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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/057,749	04/09/1998	MALCOM B. STRANDBERG	DAVOX-144XX	6738

28452 7590 04/09/2003  
BOURQUE & ASSOCIATES, P.A.  
835 HANOVER STREET  
SUITE 303  
MANCHESTER, NH 03104

EXAMINER

TIEU, BENNY QUOC

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 04/09/2003

27

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/057,749

Applicant(s)

STRANDBERG, MALCOM B.

Examiner

Benny Q. Tieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-10,13 and 14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-10,13 and 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 26.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1, 3-6, 8-10, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bateman et al. (U.S. Patent No. 5,884,032) in view of Grossman et al. (U.S. Patent No. 5,436,965), Srinivasan (U.S. Patent No. 5,185,782), and Sutton (U.S. Patent No. 4,143,243).

Regarding claims 1 and 10, Bateman teaches a system and method for providing a telephone call back to a customer with a computer equipment who uses WWW servers (computer network) to access information from an organizations databases, then needs help from a human ACD agent, and requests for a callback (Abstract). Bateman fails to teach an automated dialer system including a call back campaign manager, a call scheduler, and a predictive dialer. However, these features are well known in the art and taught by Grossman. Grossman teaches a call record scheduling system and method including outbound telephone contact campaigns (Abstract), a call scheduler (column 2, lines 56-61), and predictive dialer (column 4, lines 7-12). Both Bateman and Grossman fail to teach redialing a busy telephone number. However, Srinivasan teaches a system and method wherein if a call does not get through, the arrangement repeatedly periodically repeats placing of the outgoing call (redial), until the call gets through

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(Abstract, lines 14-16). The difference is that Srinivasan teaches redialing periodically rather than immediately and continuously. However, immediately and continuously redialing a busy line is a well known feature in the art of telecommunications. For example, Sutton teaches a telephone set which will automatically redial a telephone number after a busy signal has been received and continues redialing that number until the party being called answers, or until a predetermined number of attempts have been made (Abstract). Modifying periodically redialing into immediately and continuously redialing lies under a normal capability of a skilled person in the art of telecommunications. Since Bateman, Grossman, as well as Srinivasan teach the system and method concerning a call center, they could be combined by a skilled person in the art. In addition, Sutton and Srinivasan are related by a telecommunication system, a person skilled in the art would use the teachings of Sutton into Srinivasan. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of call scheduler, predictive dialer as taught by Grossman, and the use of immediately and continuously redial as taught by Srinivasan and Sutton into the system and method as disclosed by Bateman in order to allow a customer using a data network to be called back by an available agent of a call center, and in case the line of the customer is busy, the call is immediately and continuously redialed until the call is answered by the customer. It should be noticed that Bateman teaches the network including the feature that a telephone line used to access a computer network is the same telephone line which is used for call back purpose (column 6, line 66 to column 7, line 13 and column 10, lines 55-58). Also, an option of immediately call back is described (column 6, lines 23-25 and column 7, lines 51-54).

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Regarding claim 3, Bateman further teaches the computer network interface interfaces the computer network to agent terminals connected to the automated dialer system (Fig. 1).

Regarding claim 4, see Bateman, column 6, lines 15-30.

Regarding claim 5, see Bateman, column 6, line 24.

Regarding claim 6, see Bateman, column 7, lines 43-61.

Regarding claims 8 and 9, Bateman fails to teach the call back data is transmitted over a global computer network using a CGI script or a JAVA language script. However, this is a design choice and lies fully under a capability of a person skill in the art.

Regarding claim 13, see Grossman, Fig. 3.

Regarding claim 14, Bateman further teaches the method wherein the call back data includes at least one time to be called back, wherein at least one of the telephone numbers is scheduled according to the time to call back (column 6, lines 23-25).

3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bateman et al. in view of Grossman et al., Srinivasan and Sutton as applied to claim 1 above, and further in view of Szlam et al. (U.S. Patent No. 5,828,731).

Regarding claim 2, Bateman, Grossman, and Srinivasan fails to teach the system wherein the predictive dialer includes a call pacer that paces dialing of the telephone numbers according to a call pacing algorithm. However, Szlam teaches an apparatus for non-offensive termination of an outbound call wherein the call pacing algorithm be adjusted to err on the side of calling too many parties rather than too few parties in order to maximize the utility of the agents. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made

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to incorporate the use of pacing algorithm as taught by Szlam into the system as disclosed by Bateman, Grossman, and Srinivasan in order to maximize the utility of the agents.

4. Claims 1 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dezonno et al. (U.S. Patent No. 5,991,394) in view of Srinivasan (U.S. Patent No. 5,185,782), and Sutton (U.S. Patent No. 4,143,243).

Regarding claims 1 and 10, Dezonno teaches a method and system for establishing voice communications between a computer user and an agent of a business over a computer network. The computer user is offered a callback at time of the user choice correspond to a request from the user. The system as taught by Dezonno includes a computer network interface and an automated dialer system. The automated dialer system comprises a call back campaign manager, a call scheduler, and a telephone number dialer (see entire patent). Dezonno differs from the claimed invention in that Dezonno fails to teach the feature of immediately redial in case a line of a telephone number to be dialed is busy. However, Srinivasan teaches a system and method wherein if a call does not get through, the arrangement repeatedly periodically repeats placing of the outgoing call (redial), until the call gets through (Abstract, lines 14-16). The difference is that Srinivasan teaches redialing periodically rather than immediately. However, immediately and continuously redialing a busy line is a well known feature in the art of telecommunications. For example, Sutton teaches a telephone set which will automatically redial a telephone number after a busy signal has been received and continues redialing that number until the party being called answers, or until a predetermined number of attempts have been made (Abstract). Modifying periodically redialing into immediately and continuously redialing lies under a

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normal capability of a skilled person in the art of telecommunications. Since Dezonno as well as Srinivasan teach the system and method concerning a call center, they could be combined by a skilled person in the art. In addition, Sutter and Srinivasan are related by a telecommunication system, a person skilled in the art would use the teachings of Sutter into Srinivasan. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of immediately and continuously redial as taught by Srinivasan and Sutter into the system and method as disclosed by Dezonno in order to allow a customer using a data network to be called back by an available agent of a call center, and in case the line of the customer is busy, the call is immediately and continuously redialed until the call is answered by the customer.

***Response to Arguments***

5. Applicant's arguments with respect to claims 1-68-10, 13 and 14 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

OR Hand-delivered responses should be brought to:

Crystal Park II, Sixth Floor (Receptionist)

2121 Crystal Drive

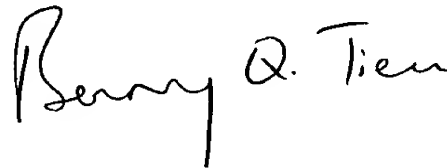
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Arlington, VA 22202.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benny Q. Tieu whose telephone number is (703) 305-2360. The examiner can normally be reached on Monday-Friday: 6:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703) 305-4731. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

A handwritten signature in black ink that reads "Benny Q. Tieu". The signature is written in a cursive, flowing style.

**BENNYTIEU  
PRIMARY EXAMINER**

BQT  
April 6, 2003